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PATENT
Customer No. 22,852
Attorney Docket No. 04284.0845-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Reissue Application of:)
)
U.S. Patent No.: 6,145,023) Group Art Unit: 2182
)
Inventor: Hiroshi IWASAKI) Examiner: Rehana Perveen
)
Issued: November 7, 2000)
)
Serial No.: 09/826,896)
)
Filed: April 6, 2001)
)
For: INFORMATION STORAGE AND)
INFORMATION PROCESSING)
SYSTEM UTILIZING STATE-)
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OR WRITE-INHIBITING STATE)

Commissioner for Patents
Washington, DC 20231

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56 and 1.97 and M.P.E.P. § 2001.06(c), Applicant brings to the attention of the Examiner the following information and document attached. This ~~Information Disclosure Statement~~ is being filed after a Final Office Action and is accompanied by the fee of \$180.00 as specified under 37 C.F.R. § 1.17(p) and a certification as specified under § 1.97(e). Applicant respectfully requests that the Examiner consider the following information.

As indicated in the Information Disclosure Statement filed on May 28, 2003, patents sharing a common disclosure with this application are currently involved in a litigation styled

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Toshiba Corporation v. Lexar Media, Inc. No. C 03-00167, pending in the United States District Court Northern District of California, San Francisco Division.

On August 15, 2003, Lexar served its Corrected Patent Local Rule 3-3 and 3-4 Disclosures, on information belief, Lexar filed its originals Patent Local Rule 3-3 and 3-4 Disclosure on August 11, 2003. On pages 5-7 of that document Lexar identifies alleged prior art of the '697, '850, and '104 patents, which share a common disclosure with this application. Pages 17-21 contain prior art invalidity allegations as do Exhibits G, H, and I as to those patents. Pages 27-29 contain additional invalidity allegations.

In accordance with 37 C.F.R. §1.97, Applicant submits that based on reasonable inquiry the allegations of invalidity were not cited in communication from a foreign patent office in a counterpart foreign application and were not know to any individual designated in 37C. F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the attached document is material or constitute "prior art." If the Examiner applies the document as prior art against any claims in the application and Applicant determines that the attached document do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the attached document, should the document be applied against the claims of the present application.

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If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 26, 2003


By: 

Doris Johnson Hines
Reg. No. 34,629

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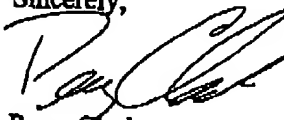
BY FACSIMILE AND U.S. MAIL

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Palo Alto, CA 94304

RE: Toshiba Corporation v. Lexar Media, Inc.
USDC Case No. 03-CV-00167 (MJJ)

Enclosed please find Lexar Media, Inc.'s Corrected Patent Local Rule 3-3 and 3-4 Disclosures. This version corrects certain typographical errors in the original document. Please call me if you have any questions.

Sincerely,



Perry Clark

cc: Arthur I. Neustadt, Esq.
Enclosure

FINNEGAN HENDERSON FARABOW
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To: Examiner Rehana Perveen
Firm: USPTO (Group Art Unit: 2182)
Fax No.: 703-746-7239 Phone No.: 703-305-8476
Reissue Application No. 6,145,023
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From: Doris Johnson Hines Phone No.: 202-408-4250
Fax # Verified by: dmw No. of Pages (incl. this page) 87

Confirmation Copy to Follow: No

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R § 1.8**

I hereby certify that the attached papers, "Supplemental Declaration of Hiroshi Iwasaki," an "Information Disclosure Statement," and "Lexar Media's Corrected Patent Local Rules 3-3 and 3-4 Disclosure in Case No. C 03-00167" are being transmitted by facsimile to the U.S. Patent and Trademark Office on the above-identified date.


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DJH/dmw

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